IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

WP(C).No. 37086 of 2007(Y)

PETITIONER:

ANNAMMA ABRAHAM,
W/O.LATE ITTY ABRAHAM,
VALLIKKATTIL HOUSE,
AYARKUNNAM VILLAGE,
AMAYANNOOR P.O.,
KOTTAYAM DISTRICT.

BY ADV. SRI.ABRAHAM MATHEW (VETTOOR)

RESPONDENTS:

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1. **THE KERALA STATE FINANCIAL ENTERPRISES LTD., REGISTERED OFFICE 'BHADRATHA', MUSEUM ROAD, THRISSUR, REPRESENTED BY ITS MANAGING DIRECTOR.**

2. **THE SPECIAL DEPUTY THAHSILDAR (R.R.), KSFE LTD., M.D., COMMERCIAL CENTER, KOTTAYAM.**

BY SRI.M.L.SAJEEVAN, SC, KSFE LTD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

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W.P.(C)No.37086 of 2007

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Dated this the 14th day of December 2007

JUDGMENT

Petitioner is a widow of one Itty Abraham Vallikkattil, who apparently committed suicide on account of certain heavy financial problems faced by him. One of them related to a liability incurred with the first respondent herein. Proceedings were instituted before this Court on more than one occasion, but it is not necessary to refer to them in detail in the light of the directions proposed to be issued herein.

2. Exts.P3 and P4 are notices under the Revenue Recovery Act issued on a requisition made by the first respondent. Learned counsel for the petitioner Mr.Abraham Mathew submits that the petitioner is in a position to pay the amount due, as mentioned therein, provided they are granted some time to effect such payment.

3. I have heard the learned standing counsel for the first respondent Mr.M.L.Sajeevan also.

4. In the facts and circumstances of the case and essentially taking note of the fact that the liability was incurred by the

petitioner's late husband who died in tragic circumstances, petitioner may pay the amount due as per Exts.P3 and P4 in 10 (ten) equal monthly instalments, commencing from the first of February 2008. It is made clear that if two consecutive instalments are defaulted, this facility shall stand withdrawn, and it will be open to the first respondent to enforce the recovery notices without further notice. Subject to the facility for payment of the amount in instalments enforcement of Exts.P3 and P4 shall be kept in abeyance for the above mentioned period.

5. Learned counsel for the petitioner submits that in certain cases, government has passed orders granting remission of interest to the persons who had defaulted repayment of the amount due to the first respondent. Suffice it to say that the right, if any, available to the petitioner to avail a similar benefit will be left unaffected by this judgment.

V.GIRI, JUDGE

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